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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,865	11/26/2003	Edward P. Szuszcwicz	EPSZ.0010000	6067

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EXAMINER

RUTLEDGE, AMELIA L

ART UNIT	PAPER NUMBER
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2176

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/721,865	Applicant(s) SZUSZCZEWICZ, EDWARD P.	
	Examiner Amelia Rutledge	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/26/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16, 18-20, 22, 24-28 and 30-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16, 18-20, and 22 is/are allowed.
- 6) ☒ Claim(s) 24-28 and 30-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Amendment, filed 03/26/2007.
2. Claims 16, 18-20, 22, 24-28, and 30-37 are pending. Claims 16 and 24 are independent claims.
3. Applicant's arguments, see Remarks, filed 03/09/07, with respect to the rejection(s) of claim(s) 24-28 and 30-37 under Photoshop have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the Yang patent, and the Angiulo patent for claims 25, 30, 32-35, and 37.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 24, 26-28, 31, and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Yang et al. (hereinafter "Yang"), U.S. Patent No. 6,301,586 B1, issued October 2001.**

Regarding independent claim 24, Yang teaches a method for generating a photo album page, comprising opening a photo album page on a computer screen and assigning a background to said photo album page (col. 5, l. 41-col. 6, l. 45; col. 17, l. 45-57; Fig. 16). Yang teaches selecting a layout configuration for said photo album page,

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said layout configuration defining a number of photos to be included on said photo album page, aspect ratios of said photos, and positioning of said photos on said photo album page, wherein said selecting is based on a graphical user interface that enables user navigation of a hierarchical organization of a library of layout configurations based on a number of photos specified by a user for said photo album page (Figs. 13, 14, 15; col. 15, l. 50-col. 17, l. 42; Table 3; col. 5, l. 41-col. 6, l. 45), since Yang teaches a template wizard graphical user interface with a hierarchical organization of a library of layout configurations based on a number of photos specified by a user.

Yang teaches that the user specified number of photos is used to generate a graphical listing of thumbnail images representing a subset of said library of layout configurations, said subset of said library of layout configurations supporting only those layout configurations having said user specified number of photos (col. 17, l. 31-42; Fig. 14). Yang teaches placing a plurality of photos on said photo album page at locations defined by said selected layout configuration (Figs. 14, 15; col. 15, l. 50-col. 17, l. 42; Table 3).

Regarding dependent claims 26-28, Yang teaches selecting a background from a library of backgrounds that are represented by thumbnail images, assigning a background image to the photo album page, and assigning a solid color background to the page (Fig. 16; col. 17, l. 45-57).

Regarding dependent claim 31, Yang teaches defining sizes and positions of text entries (col. 15, l. 30-36).

Regarding dependent claim 36, Yang teaches defining size and orientation for the photos (col. 5, l. 41-col. 6, l. 45).

6. Claims 25, 30, 32-35, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang as applied to claims 24, 26-28, 31, and 36 above, and further in view of Angiulo et al. (hereinafter "Angiulo"), U.S. Patent No. 6,964,025 B2, published September 2002, issued November 2005.

Regarding dependent claim 25, while Yang does not explicitly teach opening a blank page, Angiulo teaches opening a blank page for a web photo gallery if no images are present in the images list (col. 9, l. 60-67). Both Yang and Angiulo are directed toward software for creating web photo galleries and photo album templates. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the web photo gallery generation method of Angiulo having drag and drop and advanced editing functionality, with the automated method for generating a photo album page taught by Yang, in order to allow the user additional user interface options for editing the page (Angiulo col. 20, l. 4-36).

Regarding dependent claim 30, while Yang suggests placeholders because Yang discloses predefined templates with layout for pictures, Angiulo teaches selecting a layout configuration from a hierarchical library of templates including placeholders for photo images (col. 13, l. 8-col. 14, l. 4). Both Yang and Angiulo are directed toward software for creating web photo galleries and photo album templates. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the web photo gallery generation method of Angiulo having drag and drop and advanced editing functionality, with the automated method for generating a photo album page taught by Yang, in order to allow the user additional user interface options for editing the page (Angiulo col. 20, l. 4-36).

Regarding dependent claim 32 and 33, while Yang teaches drag and drop functionality which suggests dragging and dropping a photo onto the page, and Angiulo teaches dragging and dropping and copying and pasting photos to a web photo gallery (col. 3, l. 25-55). Both Yang and Angiulo are directed toward software for creating web photo galleries and photo album templates. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the web photo gallery generation method of Angiulo having drag and drop and advanced editing functionality, with the automated method for generating a photo album page taught by Yang, in order to allow the user additional user interface options for editing the page (Angiulo col. 20, l. 4-36).

Regarding dependent claim 34, while Yang suggests placeholders because Yang discloses predefined templates with layout for pictures, Angiulo teaches selecting a layout configuration from a hierarchical library of templates including placeholders for photo images (col. 13, l. 8-col. 14, l. 4; col. 14, l. 60-col. 15, l. 10) and selecting a group of images from an image list and automatically associating the group of images with the template placeholder locations and formats. Both Yang and Angiulo are directed toward software for creating web photo galleries and photo album templates. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the web photo gallery generation method of Angiulo having drag and drop and advanced editing functionality, with the automated method for generating a photo album page taught by Yang, in order to allow the user additional user interface options for editing the page (Angiulo col. 20, l. 4-36).

Regarding dependent claim 35, while Yang does not explicitly teach adjusting dimensions of a frame border and a photo relative to each other, Angiulo teaches automatically adjusting dimensions of a frame border and a photo relative to each other (Fig. 9). Both Yang and Angiulo are directed toward software for creating web photo galleries and photo album templates. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the web photo gallery generation method of Angiulo having drag and drop and advanced editing functionality, with the

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automated method for generating a photo album page taught by Yang, in order to allow the user additional user interface options for editing the page (Angiulo col. 20, l. 4-36).

Regarding dependent claim 37, while Yang does not explicitly teach that the hierarchical organization of the library of layout configurations is also based on an aspect ratio of photos, Angiulo teaches that the hierarchical organization of the library of layout configurations is also based on an aspect ratio of photos (col. 17, l. 16-40). Both Yang and Angiulo are directed toward software for creating web photo galleries and photo album templates. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the web photo gallery generation method of Angiulo having drag and drop and advanced editing functionality, with the automated method for generating a photo album page taught by Yang, in order to allow the user additional user interface options for editing the page (Angiulo col. 20, l. 4-36).

Allowable Subject Matter

1. Claims 16, 18-20, and 22 are allowed.

Response to Arguments

2. Applicant's arguments, see Remarks, filed 03/09/07, with respect to the rejection(s) of claim(s) 24-28 and 30-37 under Photoshop have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the Yang patent.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amelia Rutledge whose telephone number is 571-272-7508. The examiner can normally be reached on Monday - Friday 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AR



Doug Hutton
Primary Examiner
Technology Center 2100